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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,322	12/21/2000	Frank J. Hughes	589.011US1	9537

7590 04/07/2003

Mark A. Litman & Associates, P.A.
York Business Center, Suite 205
3209 West 76th St.
Edina, MN 55435

EXAMINER

TUCKER, PHILIP C

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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Paper No. 5

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 3/24/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: _____

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Mark D. Scott

Supervisory Legal Instruments Examiner (SLIE)

703-305-0767

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf> and <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprc.pdf>

March 18, 2003

AMENDMENT CHECKLIST

(VOLUNTARY REVISED AMENDMENT FORMAT ONLY)

Application No.: 9/746322
Legal Instruments Examiner: Tim
Date of Amendment: 3/24/03

A review of applicant's amendment submitted under the revised amendment format reveals:

- ☐ 1. The amendment fully complies with the voluntary revised amendment format.
- ☒ 2. **Complete Claim Listing.** A complete listing of all of the claims is not present in the amendment paper.
 - ☒ Applicant presents only currently amended claims.
 - ☐ Applicant presents all claims except those claims which are canceled.
 - ☐ Applicant fails to present the text of all claims under examination.
- ☐ 3. **Ascending Order.** The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ 4. **Status Identifiers.** Each claim has not been provided with a status identifier.
 - ☒ Some status identifiers (following each claim number) have not been presented.
 - ☐ Claims are presented with an incorrect or inconsistent status identifier.

Claim(s) no. _____
- ☐ 5. **Separate Sheet.** Each section of the amendment does not begin on a separate sheet.
- ☐ 6. **Markings in Non-Amended Claims.** Claims which are not currently amended are marked up.
- ☐ 7. **Groupings.** Applicant has incorrectly grouped non-consecutive groups of canceled or withdrawn claims.
- ☐ 8. **Revised Format – Specification Only.** Only the specification is supplied using the revised amendment format. Applicant has submitted amendments to the claims using a clean version and a marked up version.

FOR ALL AMENDMENTS IN THE REVISED FORMAT, RETURN THIS CHECKLIST TO THE TEAM LEADER. FOR AMENDMENTS WHICH FAIL TO COMPLY WITH THE REVISED AMENDMENT FORMAT, RETURN THE CHECKLIST, AMENDMENT, & FILE TO THE TEAM LEADER.